



Atty. Docket No. 229752000600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alan G. BAXTER

Serial No.: 09/308,192

Filing Date: July 14, 1999

For: METHOD OF IMMUNOMODULATORY
TREATMENT OF INSULIN
DEPENDENT DIABETES MELLITUS
USING MYCOBACTERIAL CELL
WALL COMPOSITIONS (as amended)

Examiner: S. Devi

Group Art Unit: 1645

**PETITION TO WITHDRAW APPLICATION FROM
ISSUE PURSUANT TO 37 CFR 1.313(c)(2)**

MS 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions the Commissioner to withdraw this application from issue.

The issue fee for this case was paid on February 9, 2006.

The reason for the request for withdrawal from issue is to permit consideration of a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 and the references cited in the attached Information Disclosure Statement. These references, which were cited in a European Search Report for a counterpart of this application, were inadvertently not brought to the attention of the undersigned attorneys and thus not submitted during the prosecution of this application prior to allowance. Applicant wishes to forestall any issue in this application regarding the duty of candor by having these references considered upon filing of the attached RCE.

03/08/2006 AKELECH1 00000096 031952 09308192

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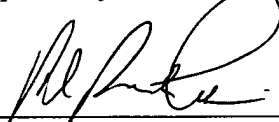
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Please charge our Deposit Account No. 03-1952 in the amount of \$525.00 (\$130.00 for the petition fee under 37 CFR 1.17(h) and \$395.00 as payment of the fee for filing Request for Continued Examination (RCE) Under 37 CFR 1.114).

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-1952, under Order No. 229752000600. A duplicate copy of this paper is enclosed.

Dated: March 2, 2006

Respectfully submitted,

By 
Barry E. Bretschneider

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